

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

---

EDWARDIAN DAVIDSON,

Petitioner,

v.

2:12-CV-13419

DENISE SCUTT, WARDEN,

Respondent.

---

**ORDER DISMISSING CASE**

On August 3, 2012, Petitioner Edwardian Davidson, a state prisoner, filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Upon initial screening of the case, this court discovered that, on August 29, 2011, Petitioner also filed a habeas action with this court which was assigned to a different judge. *Davidson v. Scutt*, Case No. 11-CV-13758 (Murphy, J.).

Petitioner challenges the same convictions in both petitions. In his current petition, Petitioner mistakenly states that the first action was stayed. The docket sheet of Case No. 11-13758 indicates that no motion for stay was ever filed, and that case remains pending.

Although his second petition appears to raise additional claims not presented in his first petition, the court will dismiss this second petition as duplicative. See *Davis v. United States Parole Comm'n*, 870 F.2d 657, 1989 WL 25837 (6th Cir. March 7, 1989) (district court may dismiss a habeas petition as duplicative of a pending habeas petition when the second petition is “essentially the same” as the first petition). If Petitioner

wishes to add his new claims to Case No. 11-13758, he must seek leave from the court to do so by filing a motion to amend under that case number. See *id.*; Fed. R. Civ. P. 15(a)(2).

Accordingly, IT IS ORDERED that this case is DISMISSED as duplicative. This dismissal is without prejudice to the habeas petition filed as Case No. 11-13758.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: October 29, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 29, 2012, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522